

Appl. No. 10/751,362
Docket No. AA611
Amdt. dated November 21, 2007
Reply to Office Action mailed on August 22, 2007
Customer No. 27752

REMARKS

Claim Status

Before entry of this Amendment, claims 1-11 were pending in the present application, with claims 3 and 5-9 being withdrawn from consideration. Claim 10 is cancelled herein, and new claims 22-29 are added herein. Thus, subsequent to entry of this Amendment, claims 1-9, 11, and 22-29 will be pending, with claims 3 and 5-9 being withdrawn from consideration. No additional claims fee is believed to be due.

Claim 1 is amended herein to more specifically define the physical structure and relationship between components of the absorbent articles, and to recite that each of the absorbent articles comprises a printed graphic printed directly on the backsheet. Newly added dependent claims 22-25 depend from claim 1. Claim 22 further defines each printed graphic as an ink jet printed graphic, and claims 23-25 recite particular types of backsheet materials and associated orientations of the printed graphics thereon. Newly added claims 26 and 27 recite absorbent articles each having a printed graphic printed directly on a topsheet. Further, newly added claims 28 and 29 recite absorbent articles each having a printed graphic printed directly on an absorbent core. Claim 10 is cancelled herein in accordance with the amendments made to claim 1 and the newly added independent claims 26 and 28. Support for these amendments is found at page 7, lines 11-18; page 9, lines 22-34; page 10, lines 1-21; and Figs. 2 and 3.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 102 Over Pargass

In the Office action, claims 1, 2, 4, 10, and 11 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,558,499 to Pargass et al. (hereinafter "Pargass"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (*See* MPEP § 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). There is at least one aspect of the invention defined by amended independent claim 1 not taught or suggested by Pargass.

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As discussed above, independent claim 1 is amended to further clarify the physical structure and relationship between components of the absorbent articles. In particular, claim 1 is amended to recite that each absorbent article comprises a topsheet, a backsheet, and an absorbent core disposed between the topsheet and the backsheet. Claim 1 is further amended to recite that the topsheet and the backsheet define a first waist region longitudinally opposed to a second waist region and wherein the first and second waist regions are connectable with each other to form a waist opening. Claim 1 is also amended to recite that each of the absorbent articles further comprises a printed graphic printed directly on the backsheet. (emphasis added).

In contrast to printing a graphic directly on the backsheet recited in claim 1, Pargass discloses a diaper having a graphic printed on a patch, which may be joined with a backsheet. For example, Col. 8, ll. 47-48 of Pargass (cited by the Office Action in support of the rejection of formerly pending claim 10) states: "Fig. 4a shows a method for making an appliqué layer 26 by placing a graphic 21 on a moving non-woven web, which forms the backsheet to the absorbent article." (emphasis added). For clarity, Figures 4a and 5a of Pargass are reproduced below with reference numbers of particular interest being circled.

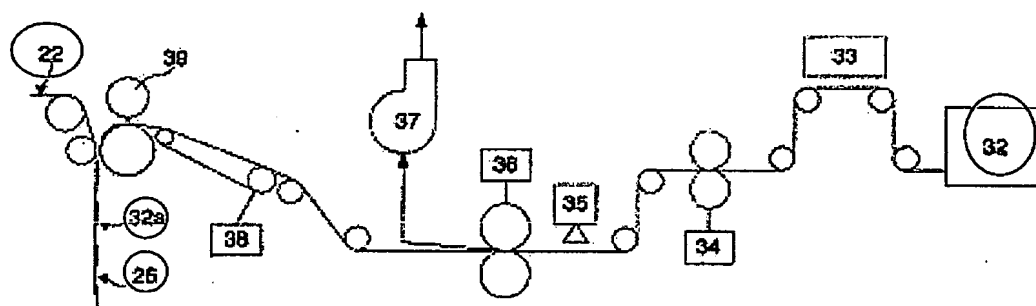


FIG. 4A

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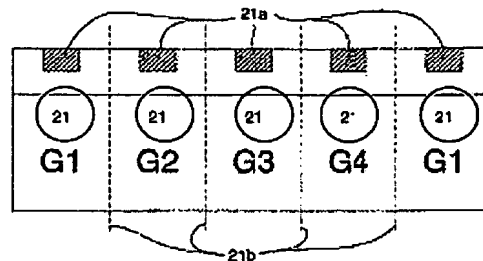


FIG. 5A

With regard to Figure 5A, Pargass discloses that the graphics 21 are provided from a first MD continuously moving layer or master roll 32, which has a plurality of graphics 21 and a corresponding plurality of reference markers 21a printed thereon. (emphasis added). (See Col. 8, ll. 51-55). With further regard to Figure 4A, Pargass describes in more detail a method by which the graphics are applied to a nonwoven outer layer 22. In particular, Pargass discloses that the continuously moving master roll 32 is conveyed by conveyor 34 and a photo-eye or optical sensor 35 detects the reference markers 21a. Once the reference markers 21a have been sensed or detected, they can be removed by any suitable means, and once the reference markers 21a are removed, the master roll 32 (without any reference markers whatsoever) is conveyed forward by servodrive 38 to cutting means 39. At cutting means 39, master roll 32 is cut at predetermined locations 21b to form individual segments 32a, which are then applied to non-woven outer layer 22 to form applique layer 26. (emphasis added). (See Col. 9, ll. 26-35). As such, Pargass discloses that the graphics 21 are printed on a continuously moving layer or master roll 32 cut into individual segments 32a, which are applied to an outer layer 22. However, Pargass does not teach or suggest absorbent articles each having a printed graphic printed directly on a backsheet as recited in claim 1. Accordingly, Pargass does not teach or suggest all the claim limitations recited in claim 1.

Thus, it is respectfully submitted that, for at least the reasons discussed above, claim 1 is patentable under 35 U.S.C. § 102(e) over Pargass. Claims 2, 4, and 11 depend from and include all the limitations of claim 1. As such, for at least the same reasons discussed above with reference to claim 1, claims 2-8 and 2, 4, and 11 are also patentable

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under 35 U.S.C. § 102(e) over Pargass. Claim 10 is cancelled herein rendering the rejection of this claim moot.

Therefore, it is believed that claims 1, 2, 4, and 11 are in form for allowance and such indication is respectfully suggested.

Rejection Under 35 U.S.C. § 103 over Pargass in view of Stavrulov

In the Office Action, claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pargass in view of PCT Patent Publication No. WO 00/13632 in the name of Stavrulov (hereinafter "Stavrulov"). In order to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP § 2143). It is respectfully submitted that the Office Action does not establish a prima facie case of obviousness, because the combination of Pargass and Stavrulov does not teach or suggest all the limitations of independent claim 1.

As discussed above with reference to independent claim 1, Pargass does not teach or suggest all the claim limitations of claim 1. In particular, Pargass does not teach or suggest absorbent articles each having a printed graphic printed directly on a backsheet as recited in claim 1. Stavrulov discloses printed text or images on envelopes containing hygienic products and fails to correct the deficiencies of Pargass. As such, claim 1 is patentable under 35 U.S.C. § 103(a) over Pargass in view of Stavrulov. Claim 4 depends from and includes all the limitations of claim 1. As such, for at least the same reasons discussed above with reference to claim 1, claim 4 is also patentable under 35 U.S.C. § 103(a) over Pargass in view of Stavrulov.

Therefore, it is believed that claim 4 is in form for allowance and such indication is respectfully suggested.

New Claims 22-29

Newly added dependent claims 22-25 depend from and include the limitations of claim 1. As such, claim 22-25 are also believed to be patentable for at least the same reasons discussed above with reference to claim 1.

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Newly added claims 26 and 27 recite absorbent articles each having a printed graphic printed directly on a topsheet. (emphasis added). Further, newly added claims 28 and 29 recite absorbent articles each having a printed graphic printed directly on an absorbent core. As discussed above with reference to claim 1, Pargass does not teach or suggest printing a graphic directly on a backsheet, and also does not teach or suggest printing a graphic directly on a topsheet or an absorbent core as recited newly added claims 26-29.

Conclusion

In view of the foregoing, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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Date: November 21, 2007
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